

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 720

Introduced by Assembly Member Skinner

February 21, 2013

An act to add Section 4011.11 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as amended, Skinner. Inmates: health care enrollment.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. *Commencing January 1, 2014, the federal Patient Protection and Affordable Care Act expands eligibility under the Medicaid Program for certain groups.* Existing federal law prohibits persons who are involuntarily incarcerated in jail from obtaining these services, but permits persons detained in jail, but not sentenced to jail, to be eligible for services, as specified.

This bill would require ~~the county sheriff, or his or her designee, counties to designate an individual or agency, as specified, to assist all enroll certain individuals sentenced to held in county jail who are otherwise eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or she is scheduled to be released, as specified, consistent with federal requirements.~~ The bill would authorize the county sheriff, or his or her designee, to assist all individuals who are not sentenced to county jail but are detained in county jail, and who are eligible for federal Medicaid benefits to enroll in the Medi-Cal program available in that county 30 days before he or

~~she is scheduled to be released.~~ The bill would provide that individuals who are currently enrolled in the Medi-Cal program in the county where they reside ~~would and who would become ineligible for benefits because of detention before or after conviction shall have their benefits suspended and shall~~ retain enrollment in that program ~~while temporarily detained before any criminal conviction.~~ The bill would require the ~~county sheriff, or his or her designee,~~ individual or agency designated by the county, as specified, to supply appropriate information regarding the California Health-Care Benefit Exchange to those individuals detained in a county jail who are not eligible for ~~federal~~ Medi-Cal benefits and who do not have health care ~~insurance~~ coverage, 30 days before their scheduled release. The bill would state findings and declarations of the Legislature regarding the above.

By imposing additional duties on local ~~law enforcement entities~~ governments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4011.11 is added to the Penal Code, to
2 read:
3 4011.11. (a) The Legislature finds and declares the following:
4 (1) The *federal* Patient Protection and Affordable Care Act ~~of~~
5 2010, also known as ~~Health Care Reform~~ *health care reform*, is
6 designed to ensure every American has access to affordable quality
7 health care. To help ensure access, the federal low-income health
8 insurance program, the Medi-Cal program in California, ~~was~~ *will*
9 *be* expanded to previously uncovered populations, including single
10 men making less than 133 percent of the federal poverty ~~line~~ *level*.
11 (2) The *cost of the* Medi-Cal expansion ~~is~~ *will be* fully paid by
12 the federal government until 2017, when the federal government
13 will cover 90 percent of the *cost of the* Medi-Cal expansion.

1 (3) According to research done by the National Health Law
2 Program, a large portion of individuals currently sentenced to
3 county jail, and those recently released, are ~~now~~ *currently*
4 *uninsured and may be* eligible for Medi-Cal once released.

5 (4) According to a study published in the American Journal of
6 Public Health, many people coming out of county jail have
7 significant medical, mental health, and substance abuse needs that
8 are currently unmet.

9 (5) According to a study funded by the National Criminal Justice
10 Reference Service, individuals who are enrolled in Medicaid on
11 the day of release committed fewer repeat offenses, and the time
12 between offenses was longer.

13 (6) Therefore, it is the intent of the Legislature to enroll
14 individuals *in county jail* in the federally funded Medi-Cal program
15 to provide medical, mental health, and substance abuse services
16 to individuals when released from county jail, at no cost to the
17 ~~State of California~~ *state* until 2017 and at minimal state cost
18 beginning in 2017.

19 *(b) Each county shall designate an individual or agency to enroll*
20 *the individuals described in subdivision (d) in the available*
21 *Medi-Cal program in that county, consistent with federal*
22 *requirements.*

23 ~~(b)~~
24 ~~(c) The county sheriff jail administrator, or his or her designee,~~
25 ~~shall assist all individuals sentenced to county jail who are~~
26 ~~otherwise eligible for federal Medicaid benefits to enroll in the~~
27 ~~Medi-Cal program available in that county 30 days before he or~~
28 ~~she is scheduled to be released~~ *coordinate with the individual or*
29 *agency designated pursuant to subdivision (b).*

30 ~~(e) The county sheriff, or his or her designee, may assist all~~
31 ~~individuals who are not sentenced to county jail but are detained~~
32 ~~in county jail and who are eligible for federal Medicaid benefits~~
33 ~~to enroll in the Medi-Cal program available in that county 30 days~~
34 ~~before he or she is scheduled to be released.~~

35 *(d) The individual or agency designated pursuant to subdivision*
36 *(b) shall enroll an inmate in the Medi-Cal program at any point*
37 *before release if all of the following conditions are met:*

38 *(1) The inmate has been in detention for at least 72 hours.*

39 *(2) The inmate will be eligible to be enrolled in the Medi-Cal*
40 *program upon release.*

1 ~~(d)~~

2 (e) Consistent with federal regulations, individuals who are
3 currently enrolled in the Medi-Cal program in the county where
4 they reside ~~shall retain enrollment in that program while~~
5 ~~temporarily detained before any criminal conviction and who would~~
6 ~~become ineligible for benefits because of detention before or after~~
7 ~~conviction shall have their benefits suspended during detention~~
8 ~~and shall retain enrollment in the program.~~

9 ~~(e)~~

10 (f) ~~The county sheriff, or his or her designee, individual or~~
11 ~~agency designated pursuant to subdivision (b) shall, 30 days before~~
12 ~~an inmate's scheduled release, supply appropriate information~~
13 ~~regarding the California Health-Care Benefit Exchange to those~~
14 ~~individuals detained in a county jail who are not eligible for federal~~
15 ~~Medi-Cal benefits and who do not otherwise have health care~~
16 ~~insurance, 30 days before their scheduled release coverage.~~

17 SEC. 2. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.